

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  TIGER NATURAL GAS, INC.	DOCKET NO. CGP-01-9
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**ORDER RECONSIDERING MARCH 27, 2002, ORDER,  
APPROVING APPLICATION, AND ISSUING CERTIFICATE TO PROVIDE  
LARGE VOLUME SERVICE**

(Issued April 29, 2002)

On March 27, 2002, the Utilities Board (Board) issued an order concerning the application of Tiger Natural Gas, Inc. (Tiger), for a competitive natural gas provider (CNGP) certificate to provide service in Iowa. In the order, the Board indicated that Tiger had failed to respond to a letter dated June 18, 2001, in which the Board notified Tiger of certain deficiencies in its application. Additionally, the Board found that Tiger was in violation of 199 IAC 19.14(2), (3), and (4) by failing to complete its application.

The Board noted that Tiger had failed to respond to attempted contacts by Board staff on numerous occasions and for that reason denied the application for a CNGP certificate. The Board found that Tiger had failed to provide the additional information requested by the Board and its failure to respond was unexplained. Finally, the Board found that the failure to provide the additional information demonstrated that Tiger was not committed to complying with the Iowa statutes and

Board rules concerning operation as a CNGP in Iowa as required by 199 IAC 2.2(18) and 19.14.

On April 3, 2002, Tiger filed the additional information requested by the Board in the June 18, 2001, letter and requested reconsideration of the Board's March 27, 2002, order. Tiger filed the annual information required by 199 IAC 19.14(5)"c" on April 9, 2002. Tiger also stated that it would only serve large volume customers. On April 10, 2002, the Board notified Tiger that the application was complete and the 90-day review process would begin.

Tiger has acknowledged that it failed to respond to the Board's June 18, 2001, letter concerning deficiencies in the application and has stated that no action was taken due to an administrative oversight. Tiger has now completed the application by supplying the additional information requested. Tiger has also made the annual filing required by Board rules. Based upon these actions by Tiger, the Board will reconsider its order of March 27, 2002. The Board has reviewed Tiger's application to determine whether it meets the statutory and regulatory requirements to provide service in Iowa.

Tiger is an Oklahoma corporation and has a certificate to conduct business in Iowa from the Secretary of State. Tiger is currently providing service to two large volume customers in Iowa. Tiger has no affiliates engaged in the provision of competitive natural gas services. Tiger has continued to provide service to its customers since the initial filing of the application.

Iowa Code § 476.87 requires that a competitive natural gas provider or aggregator must reasonably demonstrate managerial, technical, and financial capability sufficient to obtain and deliver the services it proposes to offer. The Board in 199 IAC 2.2(18) and 19.14 established the filing requirements for a CNGP to obtain a certificate. These requirements contain the information determined by the Board to be necessary to review the managerial, technical, and financial abilities of the applicant.

Tiger's application contains the professional background information for its principal managerial and technical personnel. It appears that Tiger's staff possesses extensive knowledge of and experience in various areas of the natural gas industry including marketing of natural gas service. Tiger indicated that it intends to only serve large volume customers in Iowa and did not file the financial and operational information required for a certificate to serve small volume customers. Additionally, Tiger expressed its commitment to comply with all applicable conditions of certification contained in 199 IAC 19.14(5) and (6). Tiger also acknowledged that failure to comply with all applicable conditions may result in the revocation of its certificate.

Based on a review of Tiger's application as supplemented by the information provided on April 3, 2002, the Board finds that Tiger has reasonably demonstrated that it possesses the appropriate managerial, technical, and financial capability sufficient to obtain and deliver the services it proposes to offer. The Board finds that

Tiger's application complies with the filing requirements of Board rules and that Tiger will be issued a CNGP certificate to provide service to large volume customers as defined in 199 IAC 19.14(1). To provide service to small volume customers, Tiger will need to file an application to amend its certificate and the information required by 199 IAC 2.2(18) and 19.14(6). Concurrently with the issuance of this order, the Board will issue a certificate to provide service to large volume customers, identified as Certificate No. G-0015. Tiger will be subject to the reporting requirements contained in 199 IAC 19.14(5)"c."

In the March 27, 2002, order, the Board put Tiger on notice that it had violated 199 IAC 19.14(2), (3), and (4) and any further violation of these subrules could subject Tiger to civil penalties pursuant to Iowa Code § 476.51. The Board also stated that Tiger's failure to provide the additional information demonstrated that Tiger was not committed to complying with the Iowa statutes and Board rules as required by 199 IAC 2.2(18) and 19.14.

Since the Board in this order is approving Tiger's application, the violations of 199 IAC 19.14(2), (3), and (4) have been corrected. The Board though is giving notice to Tiger that by failing to comply with the filing requirements it failed to demonstrate its commitment to its obligations as a CNGP in Iowa as required by 199 IAC 2.2(18) and 19.14. This is a commitment that Tiger made in its application. Failure to comply with that commitment in the future may subject Tiger to civil penalties pursuant to Iowa Code § 476.51.

**IT IS THEREFORE ORDERED:**

1. The application for a certificate as a competitive natural gas service provider to serve large volume customers in Iowa filed by Tiger Natural Gas, Inc., on June 8, 2001, is approved.
2. Tiger Natural Gas, Inc., shall comply with the filing requirements of 199 IAC 19.14(5)"c."
3. Certificate No. G-0015 shall be issued to Tiger Natural Gas, Inc.
4. Tiger Natural Gas, Inc., is notified pursuant to Iowa Code § 476.51 that another violation of its commitment to comply with the Board's rules concerning competitive natural gas providers may result in civil penalties under Iowa Code § 476.51.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 29<sup>th</sup> day of April, 2002.